

City of Memphis Outdoor Dining Expansion Policy Guidelines

Effective 7.21.20

Restaurants in the City of Memphis permitted to operate under [the current Shelby County Health Directive](#) may expand their outdoor dining space in a manner that continues to ensure public health and safety.

Generally, two types of expansions are possible – 1) onto private property adjacent to the restaurant's structure, such as a parking lot; and 2) onto public right-of-way such as a sidewalk or street.

In addition to **adhering to current Health Directive requirements**, all plans must meet the following criteria:

- Access for Fire, Police, and other first responders or government services must not be impeded.
- Outdoor dining areas must allow access to public utilities, building entrances, crosswalks, fire hydrants, sprinkler system connections, and similar infrastructure.
- Plans must only accommodate seated dining, not standing areas. Tables must be spaced so that no individual seated at a table is closer than six feet from an individual seated at a neighboring table – i.e., six feet from chair back to chair back.
- Food preparation must remain within the existing kitchen. Only serving is allowed outdoors. Expansion of beer service is subject to approval by the Alcohol Commission, which is expected to discuss the issue at its July 23 meeting. (These guidelines will be updated immediately after that meeting.)
- Proper barriers, subject to approval by City Engineering, must be placed to safely shield patrons from traffic.
- All seating areas and pathways must meet Americans with Disabilities Act accessibility guidelines.
- Installations on corners must maintain a clear sight triangle to allow safe use of the street by all users.
- Restaurants must allow all outdoor patrons access to indoor restroom facilities.
- Litter must be regularly picked up, and additional trash receptacles may be recommended depending on the size and use of the space. Outdoor trash receptacles must be emptied at the close of business daily.
- No animals, other than service animals, are allowed in the space.

Any restaurant wishing to temporarily expand serving into its parking lot, or other adjacent property on which it is permitted to expand, is allowed to immediately so long as it is complying with the above guidelines. Any expansion of dining area onto a newly constructed structure or platform, such as a patio or 'parklet,' must obtain proper building permits and pass final inspection before use.

Additionally, **expansions of dining areas onto public right-of-way** shall consider the following:

- Pedestrians, including those with disabilities, must continue to have five feet of unimpeded access on the sidewalk. ADA access to any transit stop must be unimpeded. If the proposed

area is along Main Street, the trolley envelope (four feet from the outer rail) must not be impeded.

- Outdoor dining areas must only occupy the frontage width of the restaurant's existing property, unless written permission from adjoining businesses is obtained.
- If dining areas are proposed on the street, the barriers separating diners from traffic shall be substantial but not permanent in nature. Planters, bollards, etc., are encouraged and may be required depending on the characteristics of the street. Such barriers shall not damage the public right-of-way.
- If a plan is proposed along a MATA route, the applicant shall consult with the City and MATA to determine if there is a feasible alternative.
- Any requested closure of travel lanes (including a dedicated bike lane) or a full street closure will require the submission of a traffic control plan for review and approval by the City.
- Any planned external structures must allow the uninhibited flow of storm water into the existing City storm system.

Restaurants wishing to apply for expansion into the public right-of-way shall submit a plan, complete with drawings or sketches of the proposed expansion if warranted, to City of Memphis Deputy Chief Operating Officer Kyle Veazey at kyle.veazey@memphistn.gov. The application will be forwarded to the appropriate City agencies for an initial review period not to exceed five business days. If approved, the applicant will be notified if traffic control plans or any additional information is required to move forward.

Restaurants participating in the temporary outdoor dining expansion program assume any and all liability regarding or related to the use of the outdoor dining space per this policy. Restaurants participating in the temporary outdoor dining program must agree to and shall defend, indemnify, and hold the City and its agents, employees, officers, and legal representatives, harmless for all claims, causes of action, liabilities, fines, and expenses (including without limitation, attorneys' fees, court costs, and all other defense costs and interest) for injury, death, damage, or loss to persons or property sustained in connection with or incidental to the use of any temporary outdoor dining space approved or otherwise allowed by the City pursuant to this policy.

A restaurant may apply for this additional space individually, or it may combine with neighboring or nearby restaurants to create a space. In the event it combines with a neighboring or nearby restaurant, each restaurant must still serve and be responsible for its own distinct areas, and precautions and consideration must be given to ensure that the creation of this new space does not create the type of gathering that current public health discourages or prohibits.

The City of Memphis recognizes the unique challenge of the pandemic to our local restaurant community, and will seek to waive as many permitting fees as possible for the expansion. The City also recognizes the unique nature of the space in which each restaurant occupies and will offer technical guidance as able to develop appropriate plans.

The City of Memphis will inspect ongoing operations of these zones by its Code Enforcement officers and other officials, and will immediately revoke any permissions granted in the event of non-compliance with rules.

This policy is intended to be in place and available for restaurants to utilize so long as the Health Directive limits the capacity of restaurants.